



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2011-31

Legistar #: 20110923

Board of Zoning Appeals Hearing: Monday, October 31, 2011 – 6:00 p.m.

Applicant: Andy Lawson
Signs of Interest
7963 Knox Bridge Hwy.
Canton, GA 30114

Property Owner: Daniel Miles
Blair G. Schlossberg
Marquis Place Apartments
1019 Franklin Road
Marietta, GA 30067

Address: 1019 Franklin Road

Land Lot: 07160 **District:** 17 **Parcel:** 0140

Council Ward: 6 **Existing Zoning:** PRD-MF (Planned Residential Development Multi-Family)

Special Exception / Special Use / Variance(s) Requested:

1. Variance to increase the allowable height from 8' to 11.5'. [Section 714.04 Table H]
2. Variance to increase the allowable structure area from 40 s.f. to 128.15 s.f. [Section 714.04 Table H]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



1019 Franklin Road – Existing Signage

Recommended Action:

Denial. The applicant, Andy Lawson, is requesting height and size variances for a new monument sign along Franklin Road for the Marquis Place Apartments (formerly Casa Mia Apartments). The subject property is located at 1019 Franklin Road and is currently zoned PRD-MF (Planned Residential Development – Multifamily). The first requested variance would be to increase the allowable height for a monument from 8 feet to 11.5 feet. The second variance requested would allow the structure area be increased from 40 square feet to 128.5 square feet.

Size and height regulations for freestanding monument signs are determined by type of property (commercial versus multi-family) and road classification. A multi-family property (Marquis Place Apartments) located on a collector road (Franklin Road) is limited to 8 feet tall with no more than 40 square feet devoted to copy (panel) area and 40 square feet devoted to structure area. The existing sign appears to comply with the Sign Ordinance.

	Height	Copy Area	Structure Area
Allowable	8'	40 s.f.	40 s.f.
Existing	7'4"	31.5 s.f.	40 s.f.
Proposed	11'6"	36.3 s.f.	128.5 s.f.

There does not appear to be a justifiable hardship necessitating this request, as the desire for increased sign height and size for better visibility is likely present in all apartment complexes located along Franklin Road. It is also unclear how the proposed sign would exhibit any additional curb appeal from the existing sign, as stated in the applicant's letter.

Staff therefore recommends denial of this variance request.

Staff would like to note that a future multi use trail will be constructed along this side of Franklin Road. Although no plans yet exist for the construction of the trail, should the variance be approved and the sign constructed, the following stipulation should be considered:

The property owner agrees to move and relocate all structures, including any signs, at his/her expense, once the City begins right-of-way acquisition to widen and improve Franklin Road.